

ALCOHOL AND TOBACCO COMMISSION

Nonrule Policy ATC #26

1. NOTICE: Under [IC 4-22-7-7](#), this document is required to be published with the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Indiana Alcohol and Tobacco Commission's (ATC) official position concerning a specific issue.

2. DISCLAIMER: This nonrule policy is being established by the ATC consistent with the authority under [IC 7.1-2-3-7](#). It is intended solely as guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and, if it conflicts with these rules or laws, the rules or laws shall control.

3. AUTHORIZED: David E. Cook, Chairman

4. SUPERSEDES: New

5. SUBJECT: The purpose of this nonrule policy is to clarify when final physical, on-site inspection by the Indiana State Excise Police (ISEP) will be required of a permitted premises as a prerequisite to issuing a renewal for a permit that has been expired for longer than thirty (30) days.

6. SCOPE: The present policy states that for a permit that has been expired for thirty (30) days or more, the renewal permit will not be issued until the ISEP have conducted a physical, on-site inspection and reported to the ATC that the permitted premises floorplan is in compliance with Title 7.1 requirements. The experience of the ATC is that, for permits that fall into this category, the overwhelming majority of the floorplans have not changed since the original submission. Further, in light of limited resources, the requirement for an on-site inspection delays the process of timely renewing expired permits, places a strain on already taxed ISEP resources and, rarely, provides any new substantive information affecting the issuance of a renewal permit. The purpose of this nonrule policy is to provide an alternative process for certification of an existing floorplan without an on-site, physical inspection for renewal permits where the permit has been expired for thirty (30) or more days.

7. POLICY:

- 7.1 The general policy that a permittee whose permit has been expired for more than thirty (30) days must demonstrate to the ATC that there have been no changes in the permit premises floorplan remains in effect.
- 7.2 In lieu of a physical on-site inspection by ISEP, the ATC will require a letter addressed to the commission by the permit holder that certifies there have been no floorplan changes since the last floorplan submission.
- 7.3 In lieu of a physical on-site inspection for a transfer of ownership where there are no changes to the permit premises floorplan, the ATC will require a letter addressed to the commission by the permit holder that certified there have been no floorplan changes since the last floorplan submission. The transferee shall also submit a copy of the previously approved floorplan with the transfer application.
- 7.4 The certification letter shall be submitted to the ATC with the renewal application.
- 7.5 The letter should include the following:
 - (a) The name of the permit holder.
 - (b) The date the certification letter is made.
 - (c) The permit number.
 - (d) The date the permit expired.
 - (e) The date the last floorplan was submitted to the commission.
 - (f) A copy or drawing of the present floorplan or a copy of the previous floorplan submitted.
 - (g) A statement under oath that the floorplan has not changed since the last floorplan submission.
- 7.6 Subsequent inspections by the ISEP that reveal inconsistent floorplans with those contained in commission records will be considered a serious violation which may result in fines or more serious actions, as deemed appropriate under the circumstances by the commission, against the permit.
- 7.7 The permit renewal will not issue until the floorplan certification letter is filed with the commission (an example of an acceptable floorplan certification letter is attached as Exhibit A to Nonrule Policy 26).
- 7.8 Final inspections by the Indiana State Excise Police will be based on the submitted floorplan for the following permit premises:
 - (a) Grocery stores dealer permits, as defined by [IC 7.1-1-3-18.5](#);
 - (b) Package liquor stores dealer permits, as defined by [IC 7.1-1-3-28](#);
 - (c) Drug store dealer permits, as defined by [IC 7.1-1-3-15](#);
 - (d) Alcohol retailers permits limited to with 21 and over areas that do not have:

- i. a service window pursuant to [IC 7.1-3-20-27](#); or
- ii. porches, verandas, and beer gardens pursuant to [905 IAC 1-41-3](#).

7.9 Floor plans submitted under paragraph 7.7 shall be clear and limited to only information related to the service, sale, consumption of alcoholic beverages including, but not limited to the following:

- (a) bars;
- (b) service bars;
- (c) table and seating areas;
- (d) sampling areas;
- (e) alcohol storage areas;
- (f) areas and offices in which alcoholic beverages related records are kept;
- (g) bathrooms;
- (h) all areas where alcoholic beverages are kept;
- (i) all areas where alcoholic beverages are consumed; and
- (j) entrances and exits.

7.10 Contractors schematics and construction floorplans that do not clearly delineate the areas described in paragraph 7.9 will not meet the requirements of this nonrule policy.

Exhibit A

Example Floorplan Certification Letter (Date)

Indiana Alcohol & Tobacco Commission
302 West Washington Street, IGCS, Room E 114
Indianapolis, IN 46204

Re: **(Permit Holder Name)**

(Permit #)

(Expiration Date)

Commission:

The date of the last submission of a floorplan to the Indiana Alcohol & Tobacco Commission for the above captioned permit premises was **(date)**.

I am the permit holder and by signing this letter I swear and affirm, under the pains and penalties of perjury, that there has been no change in the floorplan of the permitted premises since the last floorplan submission to the Indiana Alcohol & Tobacco Commission.

(Signed Permit Holder)

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An [html](#) version of this document.